

# **Public Notice**

FILE NUMBER: MVM 2009-214

NOTICE DATE: June 5, 2009

Attn: Postmaster, Please Post Until EXPIRATION DATE:

July 6, 2009

## Public Notice U.S. Army Corps of Engineers

**AUTHORITY:** Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

### APPLICANT:

Mr. Anthony Myers
Tennessee Department of Transportation
Environmental Permits Office
Suite 900, J.K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334
(615) 253-2477

**LOCATION:** The project vicinity is near Collierville and Piperton in both Shelby County and Fayette County, Tennessee, as shown on the attached maps. The site is located on the Collierville, TN and Eads, TN 7.5-minute quadrangle maps. More specific locations are provided below.

**DESCRIPTION OF WORK:** The applicant proposes to construct 7.66 miles of Interstate 269 (State Route 385) along a new alignment for public use. The new construction will consist of four 12-foot lanes, 12-foot paved shoulders, a 48-foot median, and a 36-foot typical to ditch centerline with a varied guardrail.

The deposition of fill material into waters of the U.S., including streams and wetlands, requires authorization from the U.S. Army Corps of Engineers. At this time, it is our preliminary jurisdictional determination that that these aquatic features are considered jurisdictional. An approved jurisdictional determination will be completed prior to a decision regarding this request for authorization. Many of these sites described below would require individual permit authorization (IP), while other sites may be authorized by nationwide permit (NWP). Site specific project impacts are detailed below as well as the distinction between IP and NWP.

	Site #1
	Sta. 59+32
	Longitude 89.6371°, Latitude 35.0564°
Sta. 65+10 Fletcher Road	Bridge Construction over an Unnamed Tributary to Wolf River (identified on the drawings as S-1)
	Proposed structure: 4 span concrete girder bridge with rip-rap placed around abutments for protection.
	Proposed outfall structure: 8-inch sod ditch.
	Impacts associated with this site are eligible for authorization by NWP 14
Mitigation:	

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	Site #2
	Sta. $108+60 \pm \text{to Sta}$ . $119+10 \pm$
	Longitude 89.6402°, Latitude 35.0673°
760 (1000) 200	Wetland Impact (identified on the drawings as W-1)
Sta. 115 + 50 ±	Permanent Impact: 5.04 acres
	Temporary Impact: 0.76 acres
	Proposed dual 12 foot by 6 foot box culverts.
	Proposed outfall structure: 18-inch diameter reinforced concrete pipe (RCP) with $30 \pm$ feet of rip-rap.
7.60	Impacts associated with this site require IP authorization.

#### Mitigation:

For temporary wetland impacts, the applicant proposes that topsoil would be removed from all areas of temporary wetland impacts and stockpiled prior to construction. Upon completion of construction activities, temporary haul roads would be removed. Once construction activities are complete, all temporary wetland impact areas would be restored to preconstruction contours and the stockpiled wetland topsoil spread to restore these areas to pre-construction elevations. The area of temporary impacts would then be planted with the appropriate tree species (see permit sketches for tree species, spacing and layout). For permanent impacts the applicant proposes to mitigate by debiting, at a 2:1 ratio, (10.08 acres) from the Wolf River Wetland Mitigation site.

	Site #3
	Sta. $127+20 \pm \text{to Sta}$ . $140+35 \pm$
	Longitude 89.6415°, Latitude 35.0688°
	Wetland Impact (identified on the drawings as W-2)
Sta. $136 + 05 \pm$	
	Permanent Impact: 8.54 acres
	Temporary Impact: 1.04 acres
	Proposed outfall structure: 18-inch diameter RCP with 40 feet $\pm$ of rip-rap.
	Impacts associated with this site require IP authorization.

#### Mitigation:

For temporary wetland impacts, the applicant proposes that topsoil be removed from all areas of temporary wetland impacts and stockpiled prior to construction. Upon completion of construction activities, temporary haul roads would be removed. Once construction activities are complete, all temporary wetland impact areas would be restored to preconstruction contours and the stockpiled wetland topsoil spread to restore these areas to pre-construction elevations. The area of temporary impacts would then be planted with the appropriate tree species (see permit sketches for tree species, spacing and layout). For permanent impacts the applicant proposes to mitigate the permanent wetland impact by debiting at a 2:1 ratio, (17.08 acres) from the Wolf River Wetland Mitigation Site.

	Site #4
	Sta. 143+10 to Sta. 175+00
	Longitude 89.6482°, Latitude 35.0762°
	Wetland Impact and Stream Encapsulation (identified on the drawings as W-3)
Sta.143+10 to Sta. 152+00	Permanent Impact Due to Berm: 2.40 acres Permanent Impact Under Bridge: 2.43 acres Total Permanent Impact: 4.83 acres

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(Site #4 cont.)	
From Collierville Arlington Road	Temporary Impact Due to Roadwork: 2.04 acres Haul Road Temporary Impact: 0.46 acres Total Temporary Impact: 2.50 acres
Sta. 152+10	Unnamed Tributary to Lateral of Wolf River (S-3) Proposed concrete girder bridge Associated Impact: 50-foot of 2 @ 60-inch diameter corrugated metal pipe (CMP) for temporary haul road.
Sta. 152+13 to Sta. 165+35	Wetland (identified on the drawings as W-4) Permanent Impact: 3.63 acres Temporary Impact: 6.06 acres
Sta. 165+70 Sta. 166+00 to Sta. 171+15	Wolf River (identified on the drawings as S-4) Proposed concrete girder bridge
	Wetland (identified on the drawings as W-5) Permanent Impact: 1.29 acres Temporary Impact: 1.77 acres
Sta. 171+98 to Sta. 174+80	Wetland (identified on the drawings as W-6) Permanent Impact: 0.63 acres Temporary Impact: 0.71 acres
	Total Impact Permanent Impact at a 2:1 ratio: 2.40 acres Permanent Impact at a 1:1 ratio: 7.98 acres Temporary Impact: 11.04 acres
Mitigation	Impacts associated with this site require IP authorization.

#### Mitigation:

For temporary wetland impacts, the applicant proposes that topsoil would be removed from all areas of temporary wetland impacts and stockpiled prior to construction. Upon completion of construction activities, temporary haul roads would be removed. Once construction activities are complete, all temporary wetland impact areas would be restored to preconstruction contours and the stockpiled wetland topsoil spread to restore these areas to pre-construction elevations. The area of temporary impacts would then be planted with the appropriate tree species (see permit sketches for tree species, spacing and layout). For permanent impacts the applicant proposes to mitigate a portion of the permanent impacts (2.40 acres), by debiting at a 2:1 ratio, (4.80 acres) from available wetland credits at the Wolf River Wetland Mitigation Site. For portions of the permanent wetland impacts under the bridge, the applicant proposes to mitigate at a 1:1 ratio, (7.98 acres) from available wetland credits at the Wolf River Mitigation Site.

Site #5	
Sta. $178+50 \pm \text{to Sta}$ . $184+00 \pm$	
Longitude 89.6494°, Latitude 35.0850°	
Wetland Impact	
Wetland (identified on the drawings as W-7)	
Permanent Impact 2:1: 1.05 acres	
Permanent Impact 1:1: 0.38 acres	
Total Permanent Impact: 1.43 acres	
Temporary Impact: 0.58 acres	
Impacts associated with this site require IP authorization.	

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Mitigation: (Site #5 cont.)

For temporary wetland impacts, the applicant proposes that the topsoil be removed from all areas of temporary wetland impacts and stockpiled prior to construction. Upon completion of construction activities, temporary haul roads would to be removed. Once construction activities are complete, all temporary wetland impact areas would be restored to preconstruction contours and the stockpiled wetland topsoil spread to restore these areas to pre-construction elevations. The area of temporary impacts would then be planted with the appropriate tree species (see permit sketches for tree species, spacing and layout). For permanent impacts the applicant proposes to mitigate a portion of the permanent wetland impacts (1.05 acres), by debiting at a 2:1 ratio, (2.10 acres) from available wetland credits at the Wolf River Wetland Mitigation Site. For the remaining portion of permanent wetland impacts under the bridge, the applicant proposes to mitigate at a 1:1 ratio, (0.38 acres) from available wetland credits at the Wolf River Mitigation Site.

Site #6	
Sta. $186+50 \pm \text{to Sta}$ . $189+75 \pm$	
Longitude 89.6467°, Latitude 35.0902°	
Wetland (identified on the drawings as W-8)	
Permanent Impact: 1.28 acres Temporary Impact: 0.32 acres Haul Road Temporary Impact: 0.03 acres Total Temporary Impact: 0.35 acres Impacts associated with this site require IP authorization.	

#### Mitigation:

For temporary wetland impacts, the applicant proposes that the topsoil be removed from all areas of temporary wetland impacts and stockpiled prior to construction. Upon completion of construction activities, temporary haul roads would be removed. Once construction activities are complete, all temporary wetland impact areas would be restored to preconstruction contours and the stockpiled wetland topsoil spread to restore these areas to pre-construction elevations. The area of temporary impacts would then be planted with the appropriate tree species (see permit sketches for tree species, spacing and layout). For permanent impacts the applicant proposes to mitigate by debiting, at a 2:1 ratio, (2.56 acres) from the Wolf River Mitigation Site.

	<u>Site #7</u>
	Sta. $192+50 \pm \text{to Sta}$ . $200+40 \pm$
	Longitude 89.6467°, Latitude 35.0902°
	Wetland Impact (identified on the drawings as W-9)
Sta. 196+25	
	Permanent Impact: 2.89 acres
	Temporary Impact: 0.43 acres
	Proposed structure: 166 feet of dual 10-foot by 6-foot concrete box culvert.
	Impacts associated with this site require IP authorization.

#### Mitigation:

For temporary wetland impacts, the applicant proposes that the topsoil be removed from all areas of temporary wetland impacts and stockpiled prior to construction. Upon completion of construction activities, temporary haul roads would be removed. Once construction activities are complete, all temporary wetland impact areas would be restored to preconstruction contours and the stockpiled wetland topsoil spread to restore these areas to pre-construction elevations. The area of temporary impacts would then be planted with the appropriate tree species (see permit sketches for tree species, spacing and layout). For permanent impacts the applicant proposes to mitigate by debiting, at a 2:1 ratio, (5.78 acres) from the Wolf River Mitigation Site.

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	Site #8
	Sta. $205+60 \pm to Sta$ . $215+80 \pm to Sta$
	Longitude 89.6427°, Latitude 35.0929°
	Wetland Impact (identified on the drawings as W-10)
Sta. 211+72	Permanent Impact: 3.55 acres Temporary Impact: 0.60 acres Proposed structure: 186 feet of dual-10-foot by 6-foot concrete box culvert.
	Impacts associated with this site require IP authorization.

### Mitigation:

For temporary wetland impacts, the applicant proposes that the topsoil be removed from all areas of temporary wetland impacts and stockpiled prior to construction. Upon completion of construction activities, temporary haul roads would be removed. Once construction activities are complete, all temporary wetland impact areas would be restored to preconstruction contours and the stockpiled wetland topsoil spread to restore these areas to pre-construction elevations. The area of temporary impacts would then be planted with the appropriate tree species (see permit sketches for tree species, spacing and layout). For permanent impacts the applicant proposes to mitigate by debiting at a 4:1 ratio, (14.2 acres) from the Obion Wetland Mitigation Bank.

Site #9	
Sta. 218+10 to Sta. 219+00	
Longitude 89.6403°, Latitude 35.0943°	
Wetland Impact (identified on the drawings as W-11)	
Permanent Impact: 0.49 acres	
Temporary Impact: 0.07 acres	
Impacts associated with this site require IP authorization.	

#### Mitigation:

For temporary wetland impacts, the applicant proposes that the topsoil be removed from all areas of temporary wetland impacts and stockpiled prior to construction. Upon completion of construction activities, temporary haul roads would be removed. Once construction activities are complete, all temporary wetland impact areas would be restored to preconstruction contours and the stockpiled wetland topsoil spread to restore these areas to pre-construction elevations. The area of temporary impacts would then be planted with the appropriate tree species (see permit sketches for tree species, spacing and layout). For permanent impacts the applicant proposes to mitigate by debiting, at a 4:1 ratio, (1.96 acres) from the Obion Wetland Mitigation Bank.

	Site #10
	Sta. 223+00 to Sta. 230+05
	Longitude 89.6403°, Latitude 35.0943°
Sta. 223+00 to Sta. 230+83	Wetland Impact and Stream Encapsulation (identified on the drawings as W-12)
	Permanent Impact: 1.74 acres Temporary Impact: 1.86 acres
Sta. 225+85	Unnamed Tributary to Wolf River (identified on the drawings as S-4A) Proposed 2 span, dual concrete girder bridge Permanent Impact 1:1: 0.66 acres

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Total Permanent Impact: 2.40 acres
Impacts associated with this site require IP authorization.

### Mitigation (Site 10 cont.):

For temporary wetland impacts, the applicant proposes that the topsoil be removed from all areas of temporary wetland impacts and stockpiled prior to construction. Upon completion of construction activities, temporary haul roads would be removed. Once construction activities are complete, all temporary wetland impact areas would be restored to preconstruction contours and the stockpiled wetland topsoil spread to restore these areas to pre-construction elevations. The area of temporary impacts would then be planted with the appropriate tree species (see permit sketches for tree species, spacing and layout). For permanent impacts the applicant proposes to mitigate a portion of the permanent wetland impact (1.74 acres), by debiting at a 2:1 ratio, (3.48 acres) from available wetland credits at the Wolf River Wetland Mitigation Site. For portions of permanent wetland impacts under the bridge, we propose to mitigate at a 1:1 ratio, (0.66 acres) from available wetland credits at the Wolf River Mitigation Site.

Site #11	
Sta. 239+70 Rt. to Sta. 240+00 Rt.	
Longitude 89.6376°, Latitude 35.0976°	
Wetland Impact (identified on the drawings as W-13)	
Permanent Impact: 0.16 acres	
Temporary Impact: 0.04 acres	
Impacts associated with this site are eligible for authorization by NWP 14	
tigation:	

#### Mitigation:

For temporary wetland impacts, the applicant proposes that the topsoil be removed from all areas of temporary wetland impacts and stockpiled prior to construction. Upon completion of construction activities, temporary haul roads would be removed. Once construction activities are complete, all temporary wetland impact areas would be restored to preconstruction contours and the stockpiled wetland topsoil spread to restore these areas to pre-construction elevations. The area of temporary impacts would then be planted with the appropriate tree species (see permit sketches for tree species, spacing and layout). For permanent impacts the applicant proposes to mitigate by debiting at a 2:1 ratio, 0.16 acres (0.08 acres) from the Wolf River Mitigation Site and debiting at a 4:1 ratio, 0.32 acres (0.08 acres) from the Obion Wetland Mitigation Bank.

	Site #12
	Sta. 310+12.00
	Longitude 89.6362°, Latitude 35.1173°
	Bridge Construction over Johnson's Creek (identified on the drawings as S-5)
	Proposed single span, dual concrete girder bridges with rip-rap around abutments for protection.
	Impacts associated with this site are eligible for authorization by NWP 14
Mitigation:	
The applicant contends that mitigati	on should not be required for this action.

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<u>Site #13</u>
Sta. 319+76
Longitude 89.6359°, Latitude 35.1195°
Stream Encapsulation of Unnamed Tributary to Johnson's Creek (identified on the drawings as S-6)
Proposed structure: 183 feet of dual 10-foot by 6-foot concrete box bridges. Proposed rip-rap for stabilization: 40 foot at the outlet. Proposed intake: V sod ditch at the inlet
Impacts associated with this site are eligible for authorization by NWP 14

The applicant contends that mitigation should not be required for this action.

Site #14
Sta. 364+70 to Sta. 368+75
Longitude 89.6396°, Latitude 35.1321°
Stream Relocation
Unnamed Tributary to Mary's Creek (identified on the drawings as S-6A) Unnamed Tributary to Mary's Creek (identified on the drawings as S-7) Existing open stream: 487 ± feet Proposed open stream: 420 ± feet
Impacts associated with this site are eligible for authorization by NWP 14

#### Mitigation:

administered by TWRF.

As mitigation for the impacts associated with this work location, the applicant proposes that newly constructed channel act as "replacement in-kind". As part of on-site, in-kind replacement for the proposed stream relocation, the applicant proposes to plant trees along the right side of the new channel. The proposed trees will provide riparian canopy and should reduce water temperature once established. The proposed stream channel has been designed to mimic existing channel characteristics (size, shape, etc.) as closely as possible; therefore habitat and substrate conditions should not be affected and movement of aquatic life should not be restricted within the newly relocated stream channel. Also, for the above loss of 67-feet of stream as described above, the applicant proposes the payment of \$13,400 in-lieu fee to the Tennessee Stream Mitigation Program (TSMP) administered by the Tennessee Wildlife Resources Federation (TWRF).

	Site #15
	Sta. 369+26
	Longitude 89.6396°, Latitude 35.1321°
	Stream Encapsulation of Mary's Creek (identified on the drawings as S-8)
	Proposed structure: 280 feet of dual 12-foot by 12-foot reinforced concrete box bridge.
	Impacts associated with this site are eligible for authorization by NWP 14
Mitigation:	
For the above stream in	npacts described above, the applicant proposes the payment of \$56,000 in-lieu fee to the TSMF

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	Site #16
	Sta. 415+50 to Sta. 417+25
	Longitude 89.6390°, Latitude 35.1443°
	Wetland Impact (identified on the drawings as W-14)
	Permanent Impact: 0.05 acres
	Impacts associated with this site are eligible for authorization by NWP 14
Mitigation:	

The applicant proposes to mitigate the permanent wetland impact by debiting, at a 4:1 ratio, 0.20 acres from the Obion Wetland Mitigation Bank.

	Site #17
	Sta. 430+27
	Longitude 89.6376°, Latitude 35.1464°
	Stream Encapsulation Unnamed Tributary to Monterey Lake (identified on the drawings as STR-9)
	Existing open stream: 267 ± feet Proposed structure: 177 feet of 60-inch RCP Proposed rip-rap at the inlet: 50 ± feet
	Proposed rip-rap at the outlet: $40 \pm \text{feet}$
	Impacts associated with this site are eligible for authorization by NWP 14
Mitigation:	
The applicant contends th	at mitigation should not be required for this action.

In addition to the impact listed above, the applicants request that all proposed outfall structures (ditches, pipes, etc.) associated with the proposed bridge crossing and that potential temporary stream crossing at each permit site be authorized

or approved by any final permit document. Temporary crossings will be located within right-of-way or easements.

**PURPOSE:** The purpose of this project is to improve local and regional accessibility, upgrade the service level for a rapidly developing area, reduce traffic congestion, improve safety and operating conditions, as well as enhance the future planned growth and development of the area..

WATER QUALITY CERTIFICATION: The applicant should request water quality certification from the Tennessee Department of Environment and Conservation, Division of Water Pollution Control that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341(a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

ENDANGERED SPECIES: No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

**CULTURAL RESOURCES:** The Memphis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a survey of the project area. A preliminary search of in-house records indicated no sites have been recorded within the project area. However, the lack of recorded sites may be due to lack of cultural surveys around the project area.

MVM 2009-214 Page 8 of 9 **FLOOD PLAIN:** In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and notify this office of any flood plain development permit requirements.

**PUBLIC INTEREST REVIEW:** The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Federally recognized Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

**COMMENTS:** While additional plans and diagrams regarding these sites are available on our web-site, these pages have been excluded from the paper version due to their large volume. To receive a copy of these diagrams or request any additional information as well as provide comments on this notice, please contact Mr. Joe Brougher using the information below:

U.S. Army Engineer District - Memphis ATTN: Joe Brougher 167 N. Main Street, Room B-202 Memphis, Tennessee 38103-1894

e-mail: joseph.f.brougher@usace.army.mil

phone: (901) 544-3472 fax: (901) 544-0211

Comments may be sent by either fax, mail or e-mail. The Corps may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be received by the expiration date listed on page one of this notice.

Larry D. Watson

Chief, Regulatory Branch

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